

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No.: 08-11912
HON. GEORGE CARAM STEEH

CURRENCY \$5,200.00,

Defendant,

TELANO WHITE,

Claimant.

ORDER ACCEPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION [DOC. # 21]

This matter is before the Court on plaintiff's motion to strike the claim of Telano White for failure to follow this Court's order to respond to interrogatories filed January 13, 2009. This is a forfeiture action against defendant currency. The defendant in rem is \$5,200 in U.S. Currency that was seized by FBI agents on or about November 13, 2007 from the inside of a 2007 Cadillac Escalade registered to Cher-Ri J. Pye and driven by claimant White. The currency is currently in the possession of the United States Marshals Service in the Eastern District of Michigan. Plaintiff claims that defendant currency is property constituting the proceeds of narcotics trafficking in violation of 21 U.S.C. § 841, et seq.

On July 8, 2008 plaintiff served on claimant White its first set of requests for admissions, interrogatories, and requests for production of documents. Claimant's responses and answers were due on August 7, 2008 and claimant did not object,

answer or otherwise respond. On September 8, 2008, plaintiff moved the Court to compel White to answer and respond to the discovery requests. On October 31, 2008 the Court ordered claimant to file answers to certain requests by November 14, 2008 and extended discovery to November 26, 2008 for the purpose of deposing claimant.

Plaintiff filed its motion to strike the claim of Telano White for failure to follow this Court's order to respond to interrogatories on January 13, 2009. Claimant did not file a response. Notices of hearing sent to White at the address of record were returned as undeliverable. Plaintiff's counsel appeared at the hearing on April 15, 2009 and provided the Court with an additional address at which it had served White without receiving mail returned as undeliverable. White was ordered to appear and show cause why his claim should not be stricken for failure to comply with the Court's order to compel. This show cause order was served at both of White's addresses. One was returned as undeliverable and other was accepted with a signature, albeit not White's signature.

White has not responded to plaintiff's motions, the Court's show cause order, or the magistrate judge's report and recommendation, with recommends granting plaintiff's motion to strike White's claim. It is a claimant's responsibility to keep the Court apprised of his current address. See, White v. City of Grand Rapids, 34 Fed. Appx. 210, 211 (6th Cir. 2002). Now, therefore

IT IS HEREBY ORDERED that the magistrate judge's report and recommendation is ACCEPTED.

IT IS FURTHER ORDERED that plaintiff's motion to strike the claim of Telano White for failure to follow this Court's order to respond to interrogatories is GRANTED.
SO ORDERED.

Dated: July 30, 2009

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 30, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk